REMARKS/ARGUMENTS

The present application discloses methods and a computer-readable program for providing autonomic, event driven upgrade maintenance of one or more software modules residing on a computer system. In a preferred embodiment, a method begins by detecting a predefined triggering event on the computer system indicative of a potential maintenance issue. Next the computer system connects to an upgrade management server, where the upgrade maintenance server creates a list of recommended upgrade modules to download to the computer system, the list based upon the triggering event and a set of selection policies. The method then downloads the lost of recommended upgrade modules from the upgrade management server to the computer system, and selectively installs upgrade modules chosen from the list of recommended upgrade modules on the computer system. The user is then notified of the status of the upgrade maintenance operation.

Reconsideration of the application, as amended, is requested. Claims 1, 16, 17, 18, 21, 30, 47, and 54 have been amended. Claim 35 has been canceled. No new matter has been added. Claims 1-34 and 35-54 remain in this application.

In section 3 of the Office Action, the Examiner objects to claim 35 because it is the same as claim 34. Claim 35 has been canceled to overcome this objection.

In section 5 of the Office Action, the Examiner rejects claims 16, 17, 21, and 43 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 16, 17, 18, 21 and 47 have been amended to address the Examiner's concerns and thereby overcome this rejection. Applicants believe the Examiner's comments were directed to claim 47 rather than 43, and that claim has been amended accordingly. Also, Applicants have determined that the same antecedent problem identified by the Examiner in claims 16 and 17 also exists in claim 18, so Applicants have also amended claim 18 accordingly.

In section 7 of the Office Action, the Examiner rejects claims 1-54 under 35 U.S.C. 102(a) as being anticipated by Cheng et al (US 6,457,076 B1) (hereinafter Cheng). Applicants respectfully traverse this rejection. Applicants have amended claims 1, 30 and 54 to overcome this rejection.

Cheng et al. provides a system and method to update client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors.

Applicants would respectfully request that the Examiner correct references to Cheng et al. to refer to column number and line number within the published patent rather than referring to page and paragraph numbers, since the original application is not available on PAIR, and it is impossible for Applicants to know what specific passages the Examiner is referring to, when referencing page and paragraph numbers.

Claims 1, 30, and 54 of the present invention has now been amended to include the following limitation on the first claim element:

> detecting a predefined triggering event on the computer system indicative of a potential maintenance issue, the predefined triggering event being triggered by a current operating condition of the computer system;

Applicants respectfully submit that these amendments to independent claims 1, 30, and 54 serve to better distinguish the present invention over the cited Cheng et al. reference for reasons described below.

As amended, claims 1, 30, and 54 now require the detection of a triggering event on the computer system, wherein the predefined triggering event is triggered by a current operating condition within the computer system. Support for this amendment can be found in the Specification of the present invention on page 7, paragraph [0020] which states as follows:

User and vendor supplied system monitors 116A, 116B on computer systems 102A, 102B interface with upgrade maintenance application 115C, 115D to monitor the operating state of the computer systems. A number of potential operating conditions may be monitored, including but not limited to: hardware configuration changes and new installations, software configuration changes and new installations, the number of errors detected, performance triggers, etc. Based on changes in the operating conditions of computer system 102A, 102B, a triggering event is generated, which is then detected by system monitor 116A, 116B..."

In contrast to the present invention (which relies on a current operating condition of the client computer system to initiate the trigger), Cheng et al. relies on: 1) the user to initiate the trigger; 2) a time based periodic scheme to initiate the trigger; or 3) the service provider computer to initiate the trigger on the client computer. Cheng et al., at column 7, lines 5-11 states as follows:

The update process 22 is typically initiated on the client computer 101. The user may manually initiate the process, or it may occur automatically, for example at preset periods, such as once a month. Alternatively, the process may be initiated by the service provider computer 102 prompting the client computer 101 at various intervals, or in response to particular events.

Also, in the present invention, the upgrade management computer (i.e., known as the service provider computer, in Cheng et al.) creates a list of recommended upgrades based on a set of selection policies.(see claim element 3 in claims 1, 30 and 54 of the present invention). However, in contrast to the present invention, the client computer (not the service provider computer) in Cheng et al. makes the determination which software updates are applicable to relevant to the user's computer (Cheng et al., column 3, lines 33-35).

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In view of the foregoing, Applicants respectfully submit that amended claims 1, 30 and 54 are patentable over the cited Cheng et al. reference, since the Cheng. et al. reference does not provide claim elements 1 and 3 of claims 1, 30 and 54, as described above. For this reason, Applicants submit that these claims should be passed to issuance.

Applicants respectfully submit that dependent claims 2-29 depend directly or indirectly from claim 1 above, which for reasons already provided, is now submitted as being in condition for allowance (i.e., Cheng et al. does not provide claim elements 1 and 3 of claim 1). As a result, claims 2-29 are also now submitted as allowable, and should be passed to issuance.

Applicants respectfully submit that dependent claims 31-34 and 36-54 depend directly or indirectly from claim 30 above, which for reasons already provided, is now submitted as being in condition for allowance (i.e., Cheng et al. does not provide claim elements 1 and 3 of claim 1). As a result, claims 31-34 and 36-54 are also now submitted as allowable, and should be passed to issuance.

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-34 and 36-54) are in condition for allowance and that the application should be passed to issue. The Examiner is urged to call the undersigned at the below-listed telephone number if, in the Examiner's opinion, such a phone conference would expedite or aid in the prosecution of this application.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence and any enclosures are being electronically transmitted via EFS-WEB on the date indicated below.

April 20, 2007
(Date)

Debra A. Peterson

Respectfully submitted,

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